

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The People of Cook County, the	:	
City of Chicago, the People of the	:	
State of Illinois, the Citizens Utility	:	
Board, and the Environmental Law	:	98-0013
& Policy Center of the Midwest	:	
	:	
Petition for Rulemaking on Non-	:	
Discrimination in Affiliate	:	
Transactions for Electric Utilities.	:	(Cons.)
	:	
Illinois Commerce Commission	:	
On Its Own Motion	:	
	:	
Implementation of Section 16-121	:	98-0035
of the Public Utilities Act.	:	

ORDER

By the Commission:

On September 14, 1998, the Illinois Commerce Commission ("Commission") entered an order authorizing the submission to the Joint Committee on Administrative Rules ("JCAR") of the second notice of the proposed adoption of 83 Ill. Adm. Code 450, "Non-Discrimination in Affiliate Transactions for Electric Utilities." Part 450 implements Section 16-121 of the Public Utilities Act (220 ILCS 5/16-121). The Commission takes administrative notice pursuant to Section 200.640 of its Rules of Practice (83 Ill. Adm. Code 200.640) that on October 20, 1998, JCAR objected to a provision of the proposed rules requiring utilities to maintain logs of transactions between the utility and its affiliated interests as unduly burdensome in light of the public interest served.

Although the Commission recognizes that the maintenance of a log may create administrative costs for utilities, this requirement is a reasonable approach to aid the Commission in judging future claims that utilities are engaging in a pattern of discrimination in favor of their affiliated interests and customers of their affiliated interests. The Commission is of the opinion that these rules should be adopted over the objection of JCAR. If a party believes, based on its experience, that the maintenance of logs imposes an undue burden, the Commission will entertain a petition for rulemaking.

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the parties hereto and the subject matter hereof;
- (2) the recitals of facts and conclusions reached in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact;
- (3) the proposed rules at 83 Ill. Adm. Code 450, as reflected in the attached Appendix, should be adopted with an effective date of November 7, 1998;
- (4) the Notice of Adopted Rules should be submitted to the Secretary of State, pursuant to Section 5-65 of the Illinois Administrative Procedure Act.

IT IS THEREFORE ORDERED by the Commission that the proposed rules at 83 Ill. Adm. Code 450, as reflected in the attached Appendix, are adopted with an effective date of November 7, 1998.

IT IS FURTHER ORDERED that the Notice of Adopted Rules be submitted to the Secretary of State pursuant to Section 5-65 of the Illinois Administrative Procedure Act and that all other necessary submissions be made.

IT IS FURTHER ORDERED that the Chief Clerk of the Commission shall serve a copy of the JCAR objection on all parties to this proceeding with this order.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.800, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 5th day of November, 1998.

Chairman